

S.D.N.Y. – N.Y.C.
20-cv-3178
Liman, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of October, two thousand twenty-two.

Present:

Debra Ann Livingston,
Chief Judge,
Amalya L. Kearse,
Michael H. Park,
Circuit Judges.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: Oct 20 2022

HC2, Inc.,

Plaintiff-Counter-Defendant-Appellee,

v.

21-79 (L),
21-2920 (Con)

Andrew Delaney,

Defendant-Counter-Claimant-Appellant,

Gregory Messer,

Defendant.

Appellant, pro se, moves “to dismiss the district court action.” Appellee, through counsel, moves to dismiss the lead appeal. We construe Appellant’s motion as seeking, in part, to lift the stay of the action and these appeals. Upon due consideration, it is hereby ORDERED that the Appellant’s motion is DENIED to the extent he seeks to lift the stay. *See* 11 U.S.C. § 362(a)(1); *Koolik v. Markowitz*, 40 F.3d 567, 568-69 (2d Cir. 1994) (per curiam); *see also United States v. Colasuonno*, 697 F.3d 164, 172 n.4 (2d Cir. 2012) (Court may consider whether the stay applies to an appeal).

It is further ORDERED that decision on the remaining motions is DEFERRED until the stay is lifted. *Koolik*, 40 F.3d at 569. Appellant is instructed to continue providing status updates, as provided in this Court’s September 7, 2021 order. 2d Cir. 21-79, doc. 57.

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O’Hagan Wolfe

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

Catherine O’Hagan Wolfe

